

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ARTHUR LEE GARRISON,

Petitioner,

3:15-cv-00429-RCJ-WGC

vs.

MINUTES OF THE COURT

RENEE BAKER, *et al.*,

October 14, 2015

Respondents.

_____ /

PRESENT:

THE HONORABLE ROBERT C. JONES, UNITED STATES DISTRICT JUDGE

DEPUTY CLERK: JAMES R. BARKLEY REPORTER: NONE APPEARING

COUNSEL FOR PETITIONER: NONE APPEARING

COUNSEL FOR RESPONDENTS: NONE APPEARING

MINUTE ORDER IN CHAMBERS: XXX

On September 25, 2015, the court entered an order and judgment dismissing this case because petitioner filed it nominally as a habeas proceeding under 28 U.S.C. § 2254 when it is clear that the more appropriate avenue for the relief he seeks is an action under 42 U.S.C. § 1983. ECF Nos. 5 and 6. Pursuant to that order, the Clerk provided the petitioner with the forms necessary to file a civil rights complaint under § 1983. Apparently not understanding that his § 1983 action must be brought as **new** case, petitioner has filed, under this case number, a motion for leave to proceed *in forma pauperis* and a motion to extend his prison copy work limit. ECF Nos. 10 and 11.

To hopefully avoid further confusion, petition is instructed as follows. This action is **CLOSED**. Any further proceedings must be initiated as a **NEW** case. If he chooses to pursue relief from this court, petitioner must file a § 1983 complaint (on the court's approved form) and

either pay the filing fee or file a motion for leave to proceed *in forma pauperis*. The complaint and any accompanying motion will be assigned a new case number by the Clerk.

IT IS THEREFORE ORDERED that petitioner's motions (ECF Nos. 7 – 11) are DENIED as moot.

IT IS FURTHER ORDERED that the Clerk shall send petitioner two copies each of an application form to proceed *in forma pauperis* for incarcerated persons and a Section 1983 complaint form, one copy of the instructions for each form, and a copy of the motions docketed herein as ECF No. 10 and 11.

LANCE S. WILSON, CLERK

By: /s/ James R. Barkley
Deputy Clerk